

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMAL DUPREE ADAMS, #629495, Petitioner, vs. SHERRY BURT, Respondent.	2:18-CV-13036-TGB OPINION AND ORDER GRANTING PETITIONER'S MOTION FOR NON- PREJUDICIAL DISMISSAL, DISMISSING WITHOUT PREJUDICE THE PETITION FOR A WRIT OF HABEAS CORPUS, AND DENYING A CERTIFICATE OF APPEALABILITY
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This matter is before the Court on Petitioner's motion for a non-prejudicial dismissal of his pending petition for a writ of habeas corpus so that he can return to the state courts to exhaust additional issues involving alleged newly discovered evidence. The Court has previously denied his motion to stay the proceedings. Given that Petitioner seeks to exhaust additional issues in the state courts and given that he has had sufficient time to do so within the one-year statute of limitations

applicable to federal habeas actions, dismissal of the present habeas petition is appropriate.

Accordingly, the Court **GRANTS** Petitioner's motion for non-prejudicial dismissal and **DISMISSES WITHOUT PREJUDICE** the petition for a writ of habeas corpus. Additionally, the Court **DENIES** a certificate of appealability as reasonable jurists could not debate the correctness of the Court's procedural ruling. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). This case is **CLOSED**. The Court does not retain jurisdiction over this matter. Should Petitioner wish to seek federal habeas relief following the exhaustion of state court remedies, he must file a new habeas petition in federal court within the time remaining on the one-year period of limitations.

IT IS SO ORDERED.

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge

Dated: April 30, 2020.